Exhibit E - REDACTED Filed Under Seal

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DYNAMIC DATA TECHNOLOGIES, LLC,	§	
	§	
Plaintiff,	§	Civil Case No. 2:18-cv-466-RWS
	§	
v.	§	
	§	
GOOGLE LLC AND YOUTUBE, LLC,	§	
	§	
Defendants.	§	
	§	

DECLARATION OF KEITH MCCALLION IN SUPPORT OF GOOGLE LLC AND YOUTUBE, LLC'S MOTION TO DISMISS UNDER RULE 12(B)(3) and 12(B)(6)

I, KEITH MCCALLION, declare and state as follows:

1. I am a Director in the Network Operations group at Google LLC ("Google"). I work at Google's offices in Sunnyvale, California. I have been a Google employee since June 20, 2011.

2. I provide this declaration in support of Google's Motion to Dismiss Under Rule 12(B)(3) and 12(B)(6) the Complaint filed by Dynamic Data Technologies ("DDT") on November 5, 2018. I submit this declaration based on my personal knowledge and current understanding of the facts discussed herein, as informed by my experience in Google's Network Operations group.

3. Google Global Cache ("GGC") servers are part of a tiered network that Google developed to deliver content to Internet users. The core of this tiered network is Google's data centers, which provide computation and backend storage. Google has a handful of data centers in the United States, none of which are in Texas.

4. The next tier of Google's network infrastructure is known as Edge Points of Presence ("PoPs"), which connect Google's network to the rest of the Internet and cache certain Google content. Google has no PoPs in the Eastern District of Texas.

5. The last tier of the network are the GGC servers, which are also sometimes referred to as "edge nodes." GGC servers are used to temporarily cache static content, such as portions of YouTube videos. GGC servers cannot operate independently of a Google data center and GGC servers are not necessary for the delivery of Google content.

6. GGC servers are standard servers manufactured by a third party, which are hosted by Internet Service Providers ("ISPs") in physical locations owned by the ISPs, not by Google or YouTube. If an ISP chooses to host a GGC server, then a copy of certain digital content that is popular with the ISP's subscribers can be temporarily stored or "cached" on that GGC server. This allows that content to be provided to the ISP's subscribers without the need to fetch the content from outside the ISP's network and use up medium or long-haul network capacity to do so.

7. The GGC servers previously hosted by ISPs in the Eastern District of Texas represented a fraction of one percent of Google's total serving capacity in the U.S.

8. I am not aware of any Google or YouTube employees installing, physically maintaining or accessing GGC servers that were in the Eastern District of Texas at any point.

9. Google's standard process for GGC servers is that the ISPs have control over where to locate the GGC servers, and the ISPs are responsible for physically installing them. GGC servers are off-the-shelf computers that are manufactured by third party computer

manufacturers and are also typically shipped to the ISPs by third parties. After receiving the GGC servers, the ISP unpacks, locates, installs, and hosts them in its own facility.

10. Neither Google nor YouTube owns, leases or controls the space where the GGC servers are kept. Google and YouTube do not have rights to physically access the spaces in which the GGC servers are stored while its service agreements with the ISPs are in force. No Google or YouTube employee has ever seen or visited the servers in the Eastern District of Texas.

11. [redacted]

12. [redacted]

I declare under penalty of perjury that to the best of my knowledge the foregoing is true and correct. Executed on January 11, 2019, in Sunnyvale, California.

KEITH MCCALLION